

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

JOHN RONALD LONG	*	Case No. 21-10273-lrc
Debtor	*	Chapter 13
	*	
ONEMAIN FINANCIAL GROUP, LLC	*	
Movant	*	
	*	
v.	*	
	*	
JOHN RONALD LONG	*	
Respondent	*	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

COMES NOW, ONEMAIN FINANCIAL GROUP, LLC and files this its objection to the confirmation of the above-styled debtor's Chapter 13 plan as proposed and respectfully shows the Court the following:

1.

This proceeding arises under 11 U.S.C. Chapter 13 of the Bankruptcy Code on the petition filed by the debtor on March 16, 2021.

2.

OneMain Financial Group, LLC is a secured creditor, having a purchase money security interest in a 2012 Toyota Yaris, as evidenced by its Proof of Claim and supporting documents filed with the Court. OneMain Financial Group LLC has a claim in the amount of \$10,711.46.

3.

Movant, OneMain Financial Group, LLC, shows the debtor has proposed to pay its claim as secured at \$3,000.00 with 5.5% interest at a rate of \$50.00 per month. The remaining balance of \$7,711.46 is scheduled to be paid as unsecured at 0% interest.

4.

The movant herein asserts the debtor has failed to properly treat and value the collateral in which it holds a security interest, with the movant and creditor herein objecting to the debtor's treatment thereon and asserting its collateral is of a value equal to or in excess of the secured amount stated in movant's Proof of Claim, to wit: \$6,300.00 at 5.5 % interest according to NADA valuation.

5.

The movant asserts it does not have adequate protection under the debtor's plan as proposed for its secured interest in the property as set forth herein and in the movant's Proof of Claim and supporting documents.

6.

OneMain Financial Group, LLC asserts its collateral is depreciating over use and time and at a rate in excess of the payments as provided under debtor's plan.

7.

Said creditor objects to the confirmation of the Chapter 13 plan on the grounds that the plan:

- (a) Does not comply with the provisions of Chapter 13 of the Bankruptcy Code;
- (b) Does not comply with the provisions necessary as set forth in 11 U.S.C. Section 1325;
- (c) Is not in compliance with Section 1322 of the Bankruptcy Code;
- (d) Has not been proposed in good faith;
- (e) Attempts to modify the rights of a holder of a secured claim and fails to properly protect the claim of a creditor;
- (f) Fails to adequately provide for a plan which will give the creditor the same or equivalent benefits that it would receive under a Chapter 7 liquidation.

WHEREFORE, OneMain Financial Group, LLC respectfully requests:

- (a) That this its objection be allowed;
- (b) That debtor's Chapter 13 plan as proposed be denied confirmation;
- (c) That should the debtor's Chapter 13 plan as proposed be approved, it shall be subject to the debtor returning to the movant herein all the property held by the petitioner as collateral;
- (d) That movant be granted attorney's fees for the prosecution of this action; and
- (e) That movant have such other and further relief as is just and proper.

Dated: April 15, 2021

Respectfully submitted,

/s/ Emmett L. Goodman, Jr.
EMMETT L. GOODMAN, JR.
State Bar No. 301000
Attorney for OneMain Financial Group, LLC

EMMETT L. GOODMAN, JR., LLC
544 Mulberry Street, Suite 800
Macon, GA 31201
Telephone: (478) 745-5415
Email: bkydept@goodmanlaw.org

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

JOHN RONALD LONG
Debtor

* Case No. 21-10273-lrc
* Chapter 13

CERTIFICATE OF SERVICE

This is to certify that I am over the age of 18 years and that I have this day served a copy of the within and foregoing Objection to Confirmation of Debtor's Chapter 13 Plan upon the parties listed below by placing the same in a properly addressed envelope with adequate postage affixed hereto to assure delivery and depositing in the United States Mail addressed as follows:

John Ronald Long
80 Creekside Way
Newnan GA 30265

Mr. Dan Saeger
Attorney at Law
Suite D
706 Thornton Ave
Dalton GA 30720

Ms. Melissa J. Davey
Chapter 13 Trustee
260 Peachtree Street, N.W.
Suite 200
Atlanta GA 30303

Dated: April 15, 2021

Respectfully submitted,

/s/ Emmett L. Goodman, Jr.

EMMETT L. GOODMAN, JR.

State Bar No. 301000

Attorney for OneMain Financial Group, LLC

EMMETT L. GOODMAN, JR., LLC
544 Mulberry Street, Suite 800
Macon, GA 31201
Telephone: (478) 745-5415
Email: bkydept@goodmanlaw.org